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## MAY MEETING, 1878.

A stated meeting was held at the Society's rooms in Tremont Street, Boston, on Thursday, the 9th instant. In the absence of the President, the senior Vice-President, Mr. CHARLES FRANCIS ADAMS, took the chair.

The records of the previous meeting were read and approved.

The Librarian read the usual monthly list of donors to the Library. He also presented an application from the government of Nova Scotia for permission to copy the manuscript Journal of Colonel John Winslow, kept while he was engaged in removing the Acadian French from that country in 1755, now in the Society's archives; and leave was granted under the rules.

The Vice-President then announced the death of Judge George T. Bigelow:—

In the absence of our worthy President, who presents so accomplished an example to us, in his easy and graceful manner of disposing of all business at our meetings, the duty of presiding on this occasion devolves upon a much less accomplished substitute, — myself. I can only trust to your indulgence now as I have enjoyed its benefits heretofore.

The first subject to which it becomes my duty to call your attention is the loss we have met with of a distinguished member of our body. Since our last meeting, the country has lost a citizen and the Society a member who has acted a conspicuous and honorable part in the juridical department of our State. Educated at Harvard University, and passing steadily through the customary preparation for the legal profession, George T. Bigelow had not advanced far before he was selected by the appointing authority as a suitable person to fill a vacancy in the Common Pleas Court. I well recollect the sense of surprise which pervaded many of the profession at what appeared to them a selection of favoritism rather than an appointment due to special merits. But time went on, and the young judge steadily gained reputation in the community until, a vacancy in the presidency of the court occurring, he was designated for promotion. Again perhaps some surprise was awakened, to be repeated not long afterward by his advancement to a seat on the bench

of the Supreme Judicial Court. And, lastly, on the resignation of the Chief Justice, he had the honor of being called—but now with the general assent of the community—to fill that highest and most responsible place. No suspicion of favoritism can be admitted in the face of such a continuous success as this before a profession full of intellectual and critical rivals. There is a passage in Tacitus, doubtless remembered by most of you, which describes just such a career; and I by no means refer to it as derogating from the success of this experiment. Poppæus Sabinus is pictured as having had no adventitious opportunities of advancement, and no extraordinary internal force; and yet he filled a career of honor and responsibility for more than twenty years, “nullam ob eximiam artem, sed quod par negotiis, neque supra erat.” The description is honorable to both. Happy is the man who is always equal to every emergency. I present, in behalf of the Council, the following resolutions:—

*Voted*, That this Society desire to place on record their sense of the loss which the community has experienced in the death of the Hon. George Tyler Bigelow, a member of the Society since 1859, and their appreciation of his eminent services as Chief Justice of the Commonwealth, his sound judgment and practical wisdom, and his genial and courteous manners.

*Voted*, That the President be authorized to appoint one of our members to prepare a Memoir of Judge Bigelow for the Proceedings.

Mr. RICHARD H. DANA, Jr., paid a graceful and eloquent tribute to Judge Bigelow's great abilities. He was followed by Messrs. ELLIS AMES and ROBERT C. WATERSTON, who spoke briefly of the learning and accomplishments of the deceased jurist. The Corresponding Secretary read an extract from a letter written by Mr. Winthrop from Washington, expressing his regret that absence from home would prevent his joining in the tribute to Judge Bigelow's memory. The resolutions were then adopted, and Mr. George B. Chase was appointed to prepare a Memoir for the Society's Proceedings.

The Vice-President read a letter from Professor Theophilus Parsons, of Cambridge, resigning his place as a Resident Member on account of growing years and infirmities, which resignation was reluctantly accepted.

The following letter of Governor Pownall to the Rev. Dr.

Cooper, communicated by Mr. J. L. Sibley some years ago,\* and withdrawn for comparison with the original, was again presented by the Recording Secretary, who said :—

Governor Pownall, always a warm advocate of the Colonies in their struggle for independence, wrote to his friend James Bowdoin, so early as April, 1778, that he had continually cherished the wish to return to America ; that his marriage had fixed him in England, but that the death of his wife (which took place in March, 1777) had broken the last tie that bound him to that country. In the same letter, printed with other correspondence between these friends in our Proceedings for October, 1861, he announces his intention of giving his Pownalborough lands to Harvard College, and of remembering its library by the bequest of his books. The letter to Governor Bowdoin of even date with the one now printed seems not to have been preserved ; but Mr. Bowdoin's answer, and another letter from him on the same subject, are already in the Proceedings (*ut supra*). And Mr. Sparks, in his "Works of Franklin" (vol. ix. p. 491), has printed Governor Pownall's letter to Franklin, in which this and the one to Bowdoin were enclosed.

Governor Pownall's generosity to the College was ineffective. The lands in Maine had been sold for non-payment of taxes, and the limit of time for their redemption had passed. The Corporation petitioned the General Court for a special act of relief. Pending its consideration, the matter was arranged with the new owner, one Joseph Christopher, who, having bought the lands for £70 paper, in 1780, now received £67 10s. sterling for them, and the College took possession. But President Quincy says (Hist. of Harv. Univ., vol. ii. p. 407) that the College derived but little more than three hundred dollars from their subsequent sale. There is no record that the Library ever received Governor Pownall's books. Perhaps after events caused a change in his will ; perhaps lapse of years (for he lived until Feb. 25th, 1805) brought about forgetfulness of the matter. His proposed visit and possible removal to this country were doubtless prevented by his second marriage, which took place Aug. 2d, 1784, when he was united to Mrs. Hannah, widow of Richard Astell, of Everton House, Huntingdonshire, who survived him.

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\* See Proceedings for May, 1874, p. 306. — Eds.

RICHMOND, Surrey, Feb. 28, '83.

DEAR SIR, — Since the restoration of peace and the establishment of the sovereignty of America permits me, without the imputation of a crime against the government under whose protection and in whose allegiance I am, to correspond with my old friends, I seize the first opportunity, my friend, of congratulating you on the establishment of the State [of] Massachusetts Bay in political freedom; — *sit perpetua*.

I, who was nearly related to it when it was a Province, who never wished to have any other command over it but to command its love, in which I was not disappointed, who was invariably its friend while it was permitted to me, and now it is again permitted am so with redoubled ardor, do avowedly rejoice in this acknowledged revolution. I view it as an event arising by the visible hand of God interposing beyond the ordinary course of human affairs. I view it not only as a blessing to the citizens of America, but as one prepared for them of all countries who are worthy of freedom and willing to seek and partake of it. I look upon it as a dispensation of Providence under which the world for [the] future shall, in its polity, be established on and governed by a *new system*, according to the laws of nature and the rights of man. Under this sense of this wonderful event, my mind is wrought to wish to see instituted (and I mean to make a beginning) a Lecturer or Professor who shall read on the science of Polity and Law-giving, as derived from God and nature, and the nature of man, so to form the minds of the students that [they] may become useful and efficient members of a free state. My view is to give a right turn to the science, in order to mend the practice, of Law and Politics. I do not wish to have taught the art of wrangling, the forensic tricks, "*illud jus civile quod non tam justitiæ quam litigandi tradit vias.*" I do not mean to have taught that false wisdom, the intrigues, the tricks, the snares of kings and ministers, — experience alone will apprise a good man of them, and a bad one will learn them fast enough in his course, — but that science which is founded in right, truth, and freedom. I wish to see the study of this science in a free state, founded in sound original principles: "*quæ sit conjunctio hominum, quæ naturalis societas inter eos, his enim explicatis fons legum et juris inveniri potest. Ut cum se ad civilem societatem natum esse senserit, non solum illa subtili disputatione sibi utendum putabit, sed etiam [fusa] latius [perpetua oratione] qua regat populos, qua stabiliat leges, qua castiget improbos, qua tueatur bonos, qua laudet claros viros; qua præcepta salutis et laudes apte ad persuadendum edat suis civibus; qua hortari ad decus, revocare a flagitio, consolari possit afflictos; factaque et consulta fortium et sapientum, cum improborum ignominia, sempiternis monumentis prodere.*" These Cicero (*de Legibus*, lib. i. § 24) states as the essential lines of the character of a real patriot. This is sufficient [to] mark my intention. If this suggestion is approved, and what I offer and intend further accepted, I will then form in detail the plan of the institution, and in general the rules of applying it in the course of the lectures. Besides that, I mean to leave at my death my books to the College.

To the above purpose, as making a beginning, I have sent to Mr. Bowdoin a letter or power of attorney, empowering him and yourself jointly or either severally to make a deed of gift, and to give and grant for me to Harvard College the five hundred acres of land which I have in Pownalborough, and which were granted to me by the Kennebec Company. And, if that power be not sufficient and in sufficient form, I will confirm the grant by any proper one which you will send me.

I have determined to see my old Province, now a SOVEREIGN STATE, once more (if God so pleases) before I die. I have health and energy of spirit, and I have nothing here that attaches me to this country, or can detain me. I mean to come to Boston to make the tour of the Continent, to contemplate the commencement of the power and polity of a great empire at its foundations, and in the way to look for some lands and settlement, of which I may say, —

Vos eritis nostræ portus, requiesque senectæ,  
Si juris fuerint otia nostra sui.

The propriety or impropriety of this must depend upon the experience I shall make and the advice I may receive in the travel and the trial. I wish to hear from you, and by your faithful and sincere opinion to learn in the first place how far my coming to America and travelling through it may be feasible or not; how far I may expect to find my coming agreeable and clear of all suspicions and jealousies. Having done with all my former views in *this* world, and being too old to form the plan of new ones, having been injured by the government of *this* my native land beyond all reparation, I can have no views but in serving that which adopts me, and gives me peace and settlement in which to live and die in honor.

I have taken the liberty of enclosing this to our old friend Dr. Franklin, and have desired him to forward it to you. I beg my respects to all who remember [me], for I feel conscious that they remember me with respect. I beg you to believe me to be, dear sir, unalterably, your affectionate friend and servant,

T. POWNALL.

To the Rev. Dr. COOPER.

Mr. DEANE communicated the following letter from the Hon. George Thacher to the Hon. John Holmes. George Thacher, the writer of the letter, was a Representative in Congress from Massachusetts (residing in the district of Maine) from 1789 to 1801, and subsequently a judge of the Supreme Judicial Court of the State. He was a member of the Convention in 1819, which framed the Constitution of Maine. The letter was written soon after the adjournment of the second session of the Convention, and while the question of the admission of Maine and Missouri was agitating in Congress. John Holmes, to whom the letter was addressed, was a member of the Convention, and also a member of the lower house in Congress; and he took a prominent part in the discussions which there arose relative to the Missouri

“Restriction” and the Missouri “Compromise.” The Society is indebted to Cyrus Woodman, Esq., of Cambridge, for the use of this interesting letter:—

BIDDEFORD, Maine, Jan. 16, 1820.

MY DEAR SIR,—Your favor of the 6th January is this moment put into my hand, and I hasten to say: During the sitting of the Convention on adjournment, we heard there was like to be some difficulty in the Senate of the United States against the admission of Maine, by an attempt to make her a mere *pack-horse* to transport the odious, anti-republican principle of slavery into the new State of Missouri, against reason and the fundamental grounds of the great fabric of American liberty. My friend, this vile and abominable conduct on [the] part of the Senate, excites universal execration, and I think ought to be met by the House with a resolution to suffer martyrdom in the cause of liberty rather than yield an inch in favor of slavery. Every man I heard speak on this subject in the Convention seemed willing our own admission should be postponed for a season rather than be made accessory to the planting of slavery in a new star in the American constellation.

*Obsta principiis*: resist the devil, and he will certainly flee before the cool, fixed face of Liberty. The United States has every thing to fear from an extension of the principle of slavery, and every good to hope for by defending the cause of liberty.

Suffer me, my friend, to add, I have heard your friends lament at reading in the papers that you had joined the slaveholders in the case of Missouri; while not a few who would not grieve at your loss of reputation with the people show some pleasure at the part you took, presuming you will thereby become unpopular. I mention this simply as a fact. I may add, not only every man, but every woman in Maine, I believe, will join in the voice of opposing slavery.

I read no newspapers, nor trouble myself much about the manner the general affairs are conducted in Congress. I leave these subjects with great confidence to our Senators and Representatives; speaking freely my sentiments on public men and public measures as they come to my knowledge, but always without any personal feelings.

I don't see why the Commonwealth might not consent for Maine to be a State, for all purposes of internal State legislation, whether Congress sees fit to admit us or not. Till we are admitted, though we cannot have Senators or Representatives for the State of Maine, yet Maine will be considered simply by the laws of the United States as a district as heretofore, and we shall not be deprived of sending Representatives; and I cannot bring my mind to believe the Senate will long stand out against the admission of Maine, when they see a fixed, determined resolution in the House and by the Representatives from Maine never to buy freedom by establishing slavery.

Yours with sentiments of affection and friendship,

GEORGE THACHER.

Ten o'clock. Hon. J. HOLMES, Esq.

(Addressed) Honorable JOHN HOLMES, Esq., City of Washington.

A Serial of the Proceedings, containing the records of the meetings from January to March, 1878, inclusive, and a Memoir of the Hon. B. R. Curtis, by Dr. Chandler Robbins, and one of the Hon. James Savage, by Mr. George S. Hillard, was announced as ready for distribution among the members.

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### JUNE MEETING, 1878.

A stated meeting was held on Thursday, the 13th instant, at 11 o'clock A.M.; the President, Mr. WINTHROP, in the chair.

The Recording Secretary read the record of the preceding meeting, and it was approved.

The Librarian reported the gifts to the Library during the past month. He also reported, for Mr. W. S. Appleton, Chairman of the Committee on the Somerby Papers, that twenty-six volumes of the manuscripts of the late H. G. Somerby were now ready for use under the usual rules of the Library.

The Corresponding Secretary read a letter from Miss E. E. Dana, communicating the following letter from Dr. Eliot to his son:—

CHARLES DEANE, Esq.

DEAR SIR, — Among the letters of John Adams to his wife is one (Vol. I., Letter 19), dated Hartford, 2 May, 1775, which begins thus: "Mr. Eliot, of Fairfield, is this moment arrived, on his way to Boston. He read us a letter from the Doctor, his father, dated yesterday sennight, being Sunday. The Doctor's description of the melancholy of the town is enough to melt a stone."

I have this letter from the Rev. Dr. Eliot to his son, and I enclose an exact copy of it to you for the use of the Historical Society, if they should care to print it. If you think they would take an interest in seeing the original, I shall be happy to lend it in season for the next meeting. It has been lying in the secretary of my mother's grandfather, the Rev. Dr. John Marsh, of Wethersfield, Conn., probably ever since the time it was read to Mr. Adams. The Rev. Andrew Eliot, of Fairfield, was an intimate friend of Dr. Marsh, and no doubt saw him, when passing through Hartford, and gave him the letter.

Very truly yours,

ELIZABETH ELLERY DANA.

361 BEACON STREET, BOSTON, 27 May, 1878.